

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA

v.

**MARK NUTTER,
Defendant**

05-CR-10136-RGS

MOTION TO CONTINUE TRIAL DATE

Now comes counsel for the defendant and requests this Court for to continue the trial date in this matter. The trial is presently scheduled to begin on in early October 2006.

In support of this motion counsel states that in March 2006 he requested a continuance because of family health issues. The Government was not opposed to the request and this Court allowed the motion and rescheduled the trial for early October.

After the new trial date was set counsel realized that he had a conflict. Counsel is scheduled to start a first degree murder trial in Suffolk Superior Court on October 12, 2006 in the matter of Commonwealth v. Green and Commonwealth v. Akara. The case dates back to February 2003 and involves the shooting of a pregnant woman on an MBTA train that resulted in the death of the woman's baby. Both of the defendants are in and have been in custody awaiting trial. The trial is scheduled to last several weeks.

I asked Judge Hinkle, Associate Justice of the Superior Court and the RAG of the homicide session if she would continue the trial. Based upon the age of the matter and the nature of the facts my request was denied.

Counsel will not be able to prepare both matters for trial during the fall. Counsel is requesting that this matter be continued until either late December 2006 or early January 2007 as the new trial date.

/s/ Stephen J. Weymouth

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CERTIFICATE OF SERVICE

I, Stephen J. Weymouth, hereby certify that a true copy of the foregoing motion was served upon Assistant United States Attorney, William Connolly by mail, on June 15, 2006.

Stephen J. Weymouth